

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ELAINE L. CHAO,)	
)	
Petitioner,)	CASE NO. 08 C 3075
)	
v.)	JUDGE GETTLEMAN
)	
OPERATING ENGINEERS LOCAL 150)	MAGISTRATE JUDGE COX
APPRENTICESHIP FUND, <i>et al.</i> ,)	
)	
Respondents.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

MARTIN D. TUREK, being first duly sworn upon his oath, deposes and states:

1. I am currently employed by the Operating Engineers Local 150 Apprenticeship Fund ("Apprenticeship Program") as an Assistant Coordinator for the Apprenticeship Program. I have personal knowledge of the facts stated herein, and if called as a witness, I am competent to testify in respect thereto.

2. As Assistant Training Coordinator, I am responsible for assisting with the day-to-day operation of the Apprenticeship Program, and have under my control and supervision all books and records of the Apprenticeship Program, and I have personal knowledge of the policies and procedures of the Apprenticeship Program.

3. The Apprenticeship Program provides training to apprentices and skilled journeymen in the operation and maintenance of heavy equipment used in the construction industry. While this training benefits the individuals receiving the training, it also benefits the employers who

fund the Apprenticeship Program by improving the skills of their employees. Apprentices become employed by a contributing employer to learn the trade, and the employer pays wages and benefit contributions as specified in the applicable collective bargaining agreement.

4. The Apprenticeship Program maintains records on each individual to whom it provides training, including contact information, and the training provided. Some of this information is provided by the individuals (i.e., contact information), while other information is generated in-house (i.e., the courses taken by the individuals). The primary purpose of gathering this information is to track the training and skills of the individuals accessing the Apprenticeship Program's services.

5. Because this information allows us to identify the skills of an individual, access to this information is restricted to employees of the Apprenticeship Program to prevent improper use by outside entities. For instance, employers with access to this information could identify an individual with the skills it requires and contact the individual directly, by-passing the collective bargaining agreement. Also, schools and other training programs could identify the more popular courses and tailor their classes accordingly, or contact apprentices as potential new students.


6. The information gathered by the Apprenticeship Program is not generally available to individuals and entities outside of the Apprenticeship Program, and is accumulated over time as individuals proceed through the training programs. The Apprenticeship Program exercises reasonable care to secure and restrict access to this information. The computers that house this information are in secured areas of the Apprenticeship Program's offices, and access to the computer system is password protected. Neither the Union nor contributing employers, which sponsor the Apprenticeship Program, have access to the Apprenticeship Program's computers.

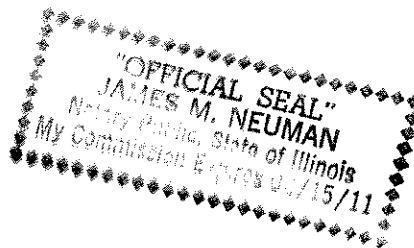
7. All Apprenticeship Program employees, including me, have signed confidentiality agreements, through which we agree, among other promises, to keep information regarding individual apprentices and trainees strictly confidential.

FURTHER AFFIANT SAYETH NOT.


MARTIN D. TUREK

SUBSCRIBED AND SWORN TO
before me this 4th day of July 2008.


NOTARY PUBLIC



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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on Monday the 14th day of July 2008, he electronically filed, **Affidavit of Martin D. Turek**, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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s/Patrick N. Ryan

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